HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.13206 of 2008
Date of Decision: 05.05.2010

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Dr. Bhupinder Nath Sood . . . . Petitioner

VS.

State of Punjab and others . . . . . Respondents

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CORAM : HON'BLE MR.JUSTICE SURYA KANT

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Present: Ms. Alka Chatrath, Advocate for the petitioner

Mr. B.S. Chahal, DAG Punjab

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SURYA KANT J. (ORAL)

(1). The petitioner retired from the post of Senior Veterinary Officer, Department of Animal Husbandry, Government of Punjab w.e.f. 31.12.2006. It is stated that though most of the retiral dues have already been released to him but a sum of Rs.1,59,514/- has been withheld from the DCRG.

(2). The respondents have justified their action vide the impugned order dated 25.06.2008/02.07.2008 (Annexure P10) on the plea that when the petitioner was posted in Civil Veterinary Hospital

at Samana, FMD/HS Vaccine valuing Rs.2,84,000/- was sent to that hospital which were allegedly mis-utilized by the petitioner in connivance with a subordinate official and, therefore, he is liable to make good the losses to the State Exchequer to the tune of Rs.1,58,514/-.

(3). Aggrieved, the petitioner has approached this Court.

(4). The respondents have filed counter-affidavit reiterating the allegations.

(5). I have heard learned counsel for the parties at some length and perused the records. The petitioner appears to be right in contending that unless an enquiry is held to find out as to - (i) whom the vaccines were entrusted? (ii) whether the same have been properly utilized or not? (iii) if mis-appropriated or mis-utilized then by whom? and (iv) whether the petitioner is responsible for such misuse? - he cannot be held liable to reimburse the alleged losses caused to the State Exchequer.

(6). Consequently, the writ petition is allowed in part with a direction to the first respondent to hold a fact-finding enquiry in accordance with the Rules to answer the above noticed queries. The enquiry shall be held by following the prescribed procedure and after affording reasonable opportunity of hearing to the petitioner. If it is found that the petitioner was not responsible for the losses and/or the vaccines were properly utilized in accordance with the government policy, the withheld amount shall be paid to the petitioner forthwith along with interest @ 9% per annum. The enquiry shall be concluded within a period *three months* from the date of receipt of a certified copy of this order. The respondents shall also determine the exact amount of loss, if any, caused on account of the alleged mis-appropriation/mis-utilization and the proportionate liability of the petitioner towards such loss, if any.

(7). Ordered accordingly.

(8). **Dasti**.

(SURYA KANT)
JUDGE

05.05.2010
vishal shonkar